

Article - Health Occupations

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§8-6D-10.

(a) Subject to the hearing provisions of § 8-317 of this title, the Board may deny a license or grant a license, including a license subject to a reprimand, probation, or suspension, to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke the license of a licensee if the applicant or licensee:

(1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or for another;

(2) Fraudulently or deceptively uses a license;

(3) Is disciplined by a licensing, military, or disciplinary authority in this State or in any other state or country or is convicted or disciplined by a court in this State or in any other state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes;

(4) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;

(5) Willfully and knowingly:

(i) Files a false report or record of an individual under the licensee's care;

(ii) Gives any false or misleading information about a material matter in an employment application;

(iii) Fails to file or record any health record that is required by law;

(iv) Obstructs the filing or recording of any health record as required by law; or

(v) Induces another individual to fail to file or record any health record as required by law;

(6) Knowingly commits any act that has been determined by the Board, in its regulations, to exceed the scope of practice authorized to the individual under this subtitle;

(7) Provides professional services while:

(i) Under the influence of alcohol; or

(ii) Using any narcotic or controlled dangerous substance, as defined in § 5–101 of the Criminal Law Article, or other drug that is in excess of therapeutic amounts or without valid medical indication;

(8) Commits an act that is inconsistent with generally accepted professional standards in the practice of certified midwifery;

(9) Is grossly negligent in the practice of certified midwifery;

(10) Has violated any provision of this title;

(11) Submits a false statement to collect a fee;

(12) Is physically or mentally incompetent;

(13) Knowingly fails to report suspected child abuse in violation of § 5–704 of the Family Law Article;

(14) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the licensee is licensed and qualified to render because the individual is HIV–positive;

(15) Except in an emergency life–threatening situation where it is not feasible or practicable, fails to comply with the Centers for Disease Control and Prevention’s guidelines on universal precautions;

(16) Has a substance use disorder;

(17) Is addicted to, or habitually abuses, any narcotic or controlled dangerous substance as defined in § 5–101 of the Criminal Law Article;

(18) Fails to cooperate with a lawful investigation conducted by the Board;

(19) Is expelled from the safe practice program established in accordance with § 8–208 of this title for failure to comply with the conditions of the program;

(20) Engages in conduct that violates the professional code of ethics;

(21) Is professionally incompetent;

(22) Practices certified midwifery without a license before obtaining or renewing a license, including any period when practicing certified midwifery on an expired license or a lapsed license;

(23) When holding an expired license or a lapsed license, commits any act that would be grounds for disciplinary action under this section;

(24) Engages in unprofessional or immoral conduct;

(25) Violates regulations adopted by the Board or an order from the Board;

(26) Performs an act that is beyond the licensee's knowledge and skills;

(27) Fails to submit to a criminal history records check in accordance with § 8–303 of this title;

(28) Has misappropriated the property of a patient or a facility; or

(29) Fails to comply with § 1–223 of this article.

(b) If, after a hearing under § 8–317 of this title, the Board finds that there are grounds under subsection (a) of this section to suspend or revoke a license to practice certified midwifery, to reprimand a licensee, or to place a licensee on probation, the Board may impose a penalty not exceeding \$5,000 instead of or in addition to suspending or revoking the license, reprimanding the licensee, or placing the licensee on probation.

(c) In addition to any sanction authorized under this section, the Board may require a licensee to comply with specified terms and conditions determined by the Board.

(d) (1) If a license issued under this subtitle was suspended or revoked for a period of more than 1 year, or if a period of more than 1 year has passed since a license was surrendered, the Board may reinstate the license if the licensee:

(i) Applies to the Board for reinstatement;

(ii) Meets the requirements for renewal under § 8–6D–08 of this subtitle;

(iii) Meets any other requirements for reinstatement as established by the Board in regulations; and

(iv) Submits to a criminal history records check in accordance with § 8–303 of this title.

(2) If a licensee meets the requirements of paragraph (1) of this subsection, the Board shall:

- (i) Reinstate the license;
- (ii) Reinstate the license subject to terms and conditions that the Board considers necessary, including a period of probation; or
- (iii) Deny reinstatement of the license.

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